



To the Honorable Council
City of Norfolk, Virginia

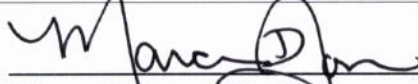
March 22, 2016

From: George M. Homewood, AICP, CFM, Planning Director

Subject: **Text amendment to the City's Zoning Ordinance to allow Tattoo Parlor/School in the C-2 (Corridor Commercial) district by special exception and eliminate the 1,000 linear foot radius from other such establishments.**

Reviewed: 
Ronald H. Williams, Jr., Deputy City Manager

Ward/Superward: Citywide

Approved: 
Marcus D. Jones, City Manager

Item Number:

PH-2

- I. **Commission Action:** By a vote of **6 to 0**, the Planning Commission recommended **Approval**.
- II. **Request:** This request proposes to allow Tattoo Parlors in the C-2 district by special exception and eliminate the requirement that they be located within 1,000 feet of similar establishments.
- III. **Applicant:** City Planning Commission
- IV. **Description:**
 - In 2006, the City Code and the *Zoning Ordinance of the City of Norfolk* were amended to eliminate the prohibition of tattoo parlors, create administrative requirements and permit them by special exception in the D-4 (Downtown Arts and Design) district and the I-1 (Limited Industrial) district.
 - The amendments to the City Code require that Tattoo Parlors:
 - Must be permitted through the Department of Public Health; the permit expires at the end of each year
 - Provide a floor plan
 - Are inspected prior to the issuance of the permit
 - Must follow the operational standards set forth in the Code
 - The current request is to allow Tattoo Parlor/School in the C-2 district by special exception, eliminate the 1,000 foot requirement from similar establishments, and continue to require the establishments to be 100 feet from any residential district.

Staff point of contact: Susan Pollock at 664-4765, susan.pollock@norfolk.gov

Attachments:

- Staff Report to CPC dated February 25, 2016 with attachments
- Proponents and Opponents
- Ordinance

Proponents and Opponents

Proponents

Shelby Balderas
5720 Hoggard Road
Norfolk, VA 23502

Joe and Katie Thomas Schemmel
714 Wingfield Avenue
Chesapeake, VA 23325

Opponents

None

Planning Commission Public Hearing: February 25, 2016

Executive Secretary: George M. Homewood, AICP, CFM

Planner: Susan Pollock Hart, CFM

Staff Report	Item No. 2	
Applicant	City Planning Commission	
Request	Zoning Text Amendment	Text amendment to the City's <i>Zoning Ordinance</i> to allow Tattoo Parlor/School in the C-2 (Corridor Commercial) district by special exception and eliminate the 1,000 linear foot radius from other such establishments.

A. Summary of Request

- The request would allow Tattoo Parlor/School in the C-2 district by special exception and eliminate the requirement that there be 1,000 feet between such establishments.

B. Plan Consistency

- The Enhancing Economic Vitality chapter of *plaNorfolk2030* includes an action calling for modifications to city processes, including zoning requirements, to support business investment.
 - The proposed changes to the *Zoning Ordinance* are consistent with the recommendations of that action.

C. Zoning Analysis

- In 2006, the City Code and the *Zoning Ordinance of the City of Norfolk* were amended to eliminate the prohibition of tattoo parlors, create administrative requirements and permit them by special exception in the D-4 (Downtown Arts and Design) district and the I-1 (Limited Industrial) district.
- The amendments to the City Code require that Tattoo Parlors:
 - Must be permitted through the Department of Public Health; the permit expires at the end of each year
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 - Must follow the operational standards set forth in the Code
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D. Transportation Impacts

N/A

E. Historic Resources Impacts

N/A

F. Public Schools Impacts

N/A

G. Environmental Impacts

N/A

H. Surrounding Area/Site Impacts

- Since the *Zoning Ordinance* was amended, three special exceptions have been granted.
- There have been no zoning violations resulting from these establishments, and the police calls are as follows:
 - 729 Granby Street: One call for animal protection.
 - 1540 Azalea Garden Road: Eight calls for alarm and one for vandalism.
 - 2100 Monticello Avenue: One call for suspicious activity.

I. Payment of Taxes

N/A

J. Civic League

N/A

K. Communication Outreach/Notification

Legal notification was placed in *The Virginian-Pilot* on February 11 and 18.

L. Recommendation

- Staff recommends that the text amendment request be **approved**.
- The initial recommendation by staff in 2006 was to allow the use in the C-2 districts by special exception.
 - Based on Council concerns stemming from historical problems, perceptions and concentration of this type of use, it was limited to the D-4 and I-1 district.
- Subject to the additional requirements of the Department of Health and the lack of issues with the current tattoo establishments, staff is recommending that this use be allowed, as any other retail establishment would be, in the C-2 district with the additional scrutiny of a special exception.

Attachments:

Proposed text

Proponents and Opponents

Proponents

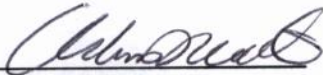
Shelby Balderas
5720 Hoggard Road
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714 Wingfield Avenue
Chesapeake, VA 23325

Opponents

None

Form and Correctness Approved: 

By 
Office of the City Attorney

Contents Approved: 

By 
DEPT.

NORFOLK, VIRGINIA

ORDINANCE No.

AN ORDINANCE TO AMEND TABLE 6-A AND SECTION 25-10.9 OF THE ZONING ORDINANCE OF THE CITY OF NORFOLK, 1992, SO AS TO ALLOW "TATTOO PARLOR/SCHOOL" IN THE C-2 (CORRIDOR COMMERCIAL) DISTRICT BY SPECIAL EXCEPTION AND TO REMOVE THE 1,000 FOOT MINIMUM SEPARATION REQUIREMENT BETWEEN TATTOO PARLORS/SCHOOLS.

- - -

BE IT ORDAINED by the Council of the City of Norfolk:

Section 1:- That Table 6-A of the Zoning Ordinance of the City of Norfolk, 1992 (as amended), entitled "Table of Land Uses" for commercial districts, is hereby amended so as to permit, by special exception only, "Tattoo Parlor/School" in the C-2 (Corridor Commercial) district

Section 2: That section 25-10.9 of the Zoning Ordinance of the City of Norfolk, 1992 (as amended), entitled "Tattoo parlor and tattoo school," is hereby amended so as to remove the 1,000 foot minimum separation requirement between tattoo parlors/schools. The change shall be made and the text shall read as set forth in "Exhibit B," attached hereto.

Section 3:- The Council hereby finds that this zoning amendment is required by public necessity, convenience, general welfare, or good zoning practice.

Section 4:- That this ordinance shall be in effect from the date of its adoption.

ATTACHMENTS:

Exhibit A (4 pages)
Exhibit B (1 page)

EXHIBIT A

**COMMERCIAL DISTRICTS
TABLE 6-A – TABLE OF LAND USES**

LAND USES	DISTRICTS				COMMENTS
P = Permitted Use S = Special Exception Use	C-1	C-2	C-3	C-4	
RESIDENTIAL USES					
Mixed Uses	S	S			
OFFICE USES					
Laboratory		P			
Office	P	P	P		
Office, Contractor (no exterior storage)		P	P		
Office/Clinic, Medical		P	P		
Office, Veterinary		P	P		
COMMERCIAL USES					
Adult Movie Theater		S			Subject to the requirements of §25-10.1, Adult uses
Adult Novelty Store		S			Subject to the requirements of §25-10.1, Adult uses
After Hours Membership Organization		S	S		
Antique Store	P	P	P		
Art Gallery	P	P	P		
Auction House		P			
Automobile and Truck Rental		P		P	
Automobile and Truck Repair		S	S	P	Subject to the requirements of §25-10.3, Automobile repair and gas station
Automobile Sales and Service		S		P	Subject to the requirements of §25-10.7, Automobile sales and service
Boat Sales and Service		P		P	
Brewpub		S	S		
Car Wash		S		S	

LAND USES	DISTRICTS				COMMENTS
	C-1	C-2	C-3	C-4	
P = Permitted Use S = Special Exception Use					
Check Cashing Establishment		S			
Commercial Drive-Through	S	S	S	S	Subject to the requirements of §25-10.8, Commercial drive-through facility
Convenience Store, 24-Hours (no fuel sales)	S	S	S		
Convenience Store, 24-Hours (with fuel sales)	S	S	S		Subject to the requirements of §25-10.3, Automobile repair and gas station. Subject to the requirements of §13-6.6 Motor fuel pumps, islands and curbs.
Eating Establishment	P	P	P	P	
Eating and Drinking Establishment	S	S	S	S	Subject to the requirements of §25-10.1, Adult uses
Entertainment Establishment	S	S	S	S	Subject to the requirements of §25-10.1, Adult uses
Farmer's Market		P		P	
Financial Institutions	P	P	P		
Flea Market, Indoor		S		S	
Flea Market, Outdoor				S	
Funeral Home		P			
Gas Station	S	S	S		Subject to the requirements of §25-10.3, Automobile repair and gas station. Subject to the requirements of §13-6.6 Motor fuel pumps, islands and curbs.
Health and Fitness Facility	P	P	P		
Hotel/Motel		P	P		Subject to the permit requirements of Norfolk City Code chapter 22, article II (§ 22-27 et seq.)
Kennel (with outdoor area)		S	S		Subject to the requirements of § 25-10.11, Kennel (with outdoor area)
Kennel (with no outdoor area)		S	S		
Marina (without boat repair)		P			
Mini-Warehouse		P	S	P	

LAND USES	DISTRICTS				COMMENTS
	C-1	C-2	C-3	C-4	
P = Permitted Use S = Special Exception Use					
Pawnshop		S			
Payday Loan-Auto Title Loan Establishment		S			
Personal Watercraft Rental		S			Subject to the requirements of § 25-10.6, Rental of personal watercraft
Recreation Center, Commercial		S	S		
Recreational Sports, Indoor		P	P		
Recreational Sports, Outdoor		S	S	P	
Retail Goods Establishment	P	P	P		
Retail Goods Establishment (operating after midnight)	S	S	S		
Retail Services Establishment	P	P	P		
Retail Services Establishment (operating after midnight)	S	S	S		
Sale of Alcoholic Beverages for Off-Premises Consumption	S	S	S		Subject to the requirements of §25-10.1, Adult uses
Sale of Distilled Spirits		S	S		Subject to the requirements of §25-10.1, Adult uses
Studio, Arts	P	P	P		
Studio, Dance	P	P	P		
Tattoo Parlor/School		S			Subject to the requirements of § 25-10.9 Tattoo parlor and tattoo school
Theater		P	P		
Therapeutic Massage Facility		P			
Used Books/Media Sales		P	P		
Used Merchandise Sales		S	S		
Vendor		P	P	P	Subject to the requirements of City Code § 42 – Article I-A
PUBLIC AND CIVIC USES (Sites < 1 Acre)					
Amphitheater, Arena, Stadium				S	
Broadcast Studio		P	P		
Communication Tower (commercial)	S	S	S	S	Subject to the requirements of §25-10.5, Communication towers

LAND USES	DISTRICTS				COMMENTS
	C-1	C-2	C-3	C-4	
P = Permitted Use S = Special Exception Use					
Day Care Center, Adult	P	P	P		
Day Care Center, Child	P	P	P		
Educational Facility, Professional and Vocational		P			
Governmental Operations (non-industrial)	P	P	P	P	
Hiring Hall		P			
Membership Organization	P	P	P	P	
Museum	P	P			
Utility Facility	P	P	P	P	
Religious Institution	P	P	P	P	
Yacht Club, Country Club		P			
INDUSTRIAL USES					
Boat Dry Storage Facility		S			
Recycling Collection Station		P	P		
Microbrewery		S	S		

EXHIBIT B

- 25-10.9 *Tattoo parlor and tattoo school.* No tattoo parlor/or tattoo school shall be located on property located within one hundred (100) feet of the boundary of any residential district.